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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,232	03/26/2004	David Edward Stewart	50037.228US01	9007
27488	7590	07/05/2006	EXAMINER	
MERCHANT & GOULD (MICROSOFT)			SMITH, SHEILA B	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	
			2617	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,232	<b>Applicant(s)</b> STEWART ET AL.	
	<b>Examiner</b> Sheila B. Smith	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Mathis (Patent Publication Number 2003/0083046) in view of Florkey et al. (U.S. Patent Number 6,990,353).

**Regarding claim 1,** Mathis discloses essentially all the claimed invention as set forth in the instant application, further Mathis discloses Multicast distribution of presence information for an instant messaging system. In addition Mathis discloses a computer-implemented method for providing Instant Message (IM) presence information through a client application on a mobile device, comprising: receiving a request from the client application for the IM presence information (which reads on paragraph 0005); initiating communication with the client application in response to the request from the client application (which reads on paragraph 0005); searching an IM application for the IM presence information requested (which reads on exacting); and forwarding the IM presence information to the client application when the IM presence information is located, such that the IM presence information is integrated with the client application (which reads on paragraph 0006). However Mathis fails to disclose a client application in not a client IM application.

In the same field of endeavor Florkey discloses a communication to one mobile station of update of call participation availability status of another mobile station.

Additionally Florkey et al. discloses a client application in not a client IM application (which read on column 1 lines 60-67 and column 2 lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was to modify Mathis with a client application in not a client IM application as taught by Florkey et al. for the purpose of monitoring the status of the mobile.

***Regarding Claim 2***, Mathis discloses everything claimed, as applied above (see claim 1) additionally, Mathis discloses wherein receiving a request from the client application further comprises receiving a request for a previously identified contact that is associated with the client application (which reads on paragraph 0005).

***Regarding Claim 3***, Mathis discloses everything claimed, as applied above (see claim 2) additionally, Mathis discloses searching the IM application further comprises searching a buddy list associated with the IM application for the previously identified contact (which reads on paragraph 0005).

***Regarding Claim 4***, Mathis discloses everything claimed, as applied above (see claim 2) additionally, Mathis discloses searching the IM application further comprises searching a contacts application for an entry corresponding to the previously identified contact, wherein the entry of the contacts application has a first parameter that matches a

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second parameter within an entry of a buddy list associated with the IM application (which reads on paragraph 0005).

***Regarding Claim 5***, Mathis discloses everything claimed, as applied above (see claim 1) additionally, Mathis discloses initiating communication further comprises providing the client application with a unique identifier that uniquely identifies the client application (which reads on paragraph 0005).

***Regarding Claim 6***, Mathis discloses everything claimed, as applied above (see claim 1) additionally, Mathis discloses initiating communication further comprises generating a message queue and providing the client application a copy of the queue, such that communication with the client application is synchronized (which reads on paragraph 0005).

***Regarding Claim 7***, Mathis discloses everything claimed, as applied above (see claim 1) additionally, Mathis discloses integrating the IM presence information with the client application further comprises publishing the IM presence information in a user interface associated with the client application (which reads on paragraph 0005).

***Regarding Claim 8***, Mathis discloses essentially all the claimed invention as set forth in the instant application, in addition Mathis discloses the software architecture for providing Instant Message (IM) presence information through a client application on a mobile device, comprising an IM application, wherein the IM application includes a buddy list (which reads on paragraph 0005); an IM server that is arranged to receive a request from the client application for the IM presence information (which reads on paragraph 0005), initiate communication with the client application in response to the request from the client application (which reads on paragraph 0005), search an IM

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application for the IM presence information requested (which reads on extracting), and forward the IM presence information to the client application when the IM presence information is located, such that the IM presence information is integrated with the client application; and an application program interface that provides the IM server with access to the client application (which reads on paragraph 0006). However Mathis fails to disclose a client application in not a client IM application.

In the same field of endeavor Florkey discloses a communication to one mobile station of update of call participation availability status of another mobile station. Additionally Florkey et al. discloses a client application in not a client IM application (which read on column 1 lines 60-67 and column 2 lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was to modify Mathis with a client application in not a client IM application as taught by Florkey et al. for the purpose of monitoring the status of the mobile.

***Regarding Claim 9***, Mathis discloses everything claimed, as applied above (see claim 8) additionally, Mathis discloses a server is further arranged to receive a request for a previously identified contact that is associated with the client application (which reads on paragraph 0005).

***Regarding Claim 10***, Mathis discloses everything claimed, as applied above (see claim 9) additionally, Mathis discloses the IM server is further arranged to search a buddy list associated with the IM application for the previously identified contact (which reads on paragraph 0005).

***Regarding Claim 11***, Mathis discloses everything claimed, as applied above (see claim 9) additionally, Mathis discloses the IM server is further arranged to search a contacts application for an entry corresponding to the previously identified contact, wherein the entry of the contacts application has a first parameter that matches a second parameter within an entry of a buddy list associated with the IM application (which reads on paragraph 0005).

***Regarding Claim 12***, Mathis discloses everything claimed, as applied above (see claim 8) additionally, Mathis discloses the IM server is further arranged to provide the client application with a unique identifier that uniquely identifies the client application (which reads on paragraph 0005).

***Regarding Claim 13***, Mathis discloses everything claimed, as applied above (see claim 8) additionally, Mathis discloses the IM server is further arranged to generate a message queue and providing the client application a copy of the queue, such that communication with the client application is synchronized (which reads on paragraph 0005).

***Regarding Claim 14***, Mathis discloses everything claimed, as applied above (see claim 8) additionally, Mathis discloses the IM server is further arranged to provide the IM presence information to the client application such that the client application publishes the IM presence information in a user interface associated with the client application (which reads on paragraph 0005).

***Regarding Claim 15***, Mathis discloses everything claimed, as applied above (see claim 15) additionally, Mathis discloses a system for providing Instant Message (IM) presence information through a client application on a mobile device, comprising receive

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a request from the client application for the IM presence information (which reads on paragraph 0005); initiate communication with the client application in response to the request from the client application (which reads on paragraph 0005); search an IM application for the IM presence information requested (which reads on extracting); and forward the IM presence information to the client application when the IM presence information is located, such that the IM presence information is integrated with the client application (which reads on paragraph 0006). However Mathis fails to disclose a client application in not a client IM application.

In the same field of endeavor Florkey discloses a communication to one mobile station of update of call participation availability status of another mobile station. Additionally Florkey et al. discloses a client application in not a client IM application (which read on column 1 lines 60-67 and column 2 lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was to modify Mathis with a client application in not a client IM application as taught by Florkey et al. for the purpose of monitoring the status of the mobile.

***Regarding Claim 16***, Mathis discloses everything claimed, as applied above (see claim 15) additionally, Mathis discloses the application is further configured to receive a request for a previously identified contact that is associated with the client application (which reads on paragraph 0005).

***Regarding Claim 17***, Mathis discloses everything claimed, as applied above (see claim 16) additionally, Mathis discloses the application is further configured to search a



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buddy list associated with the IM application for the previously identified contact (which reads on paragraph 0005).

***Regarding Claim 18***, Mathis discloses everything claimed, as applied above (see claim 16) additionally, Mathis discloses the application is further configured to search a contacts application for an entry corresponding to the previously identified contact, wherein the entry of the contacts application has a first parameter that matches a second parameter within an entry of a buddy list associated with the IM application (which reads on paragraph 0005).

***Regarding Claim 19***, Mathis discloses everything claimed, as applied above (see claim 15) additionally, Mathis discloses the application is further configured to provide the client application with a unique identifier that uniquely identifies the client application (which reads on paragraph 0005).

***Regarding Claim 20***, Mathis discloses everything claimed, as applied above (see claim 15) additionally, Mathis discloses a application is further configured to generate a message queue and providing the client application a copy of the queue, such that communication with the client application is synchronized (which reads on paragraph 0005).

***Regarding Claim 21***, Mathis discloses everything claimed, as applied above (see claim 15) additionally, Mathis discloses a application is further configured to provide the IM presence information to the client application such that the client application publishes the IM presence information in a user interface associated with the client application (which reads on paragraph 0006).

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

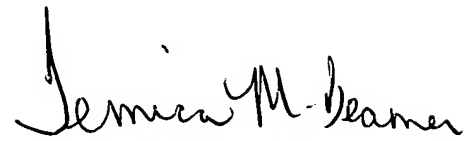
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith  
June 21, 2006



TEMICA BEAMER  
PRIMARY EXAMINER